

Clifton Park Town Board Meeting Minutes

March 19, 2001

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Ass't. Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the town will be receiving \$500,000 to \$600,000 from the county due to a larger than expected surplus.

Councilman Speckhard announced the Comprehensive Plan is on the web and comments can be made on line through cliftonpark.org to Director of Planning Jason Kemper.

Councilman Paolucci said a public hearing regarding the adult use business overlay zone will be held on April 2nd at 7:20 p.m.

PUBLIC HEARING, 7:10 PM TO CONSIDER ADOPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE CORPORATE COMMERCE ZONE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 7, 2001.

Michael Bianchino, Clough, Harbour & Associates, reviewed area covered by DGEIS and explained the statement basically addresses possible development scenarios for that property. He said in order to get water and sewer to the area it was necessary to look at what the potential environmental impacts could be for development of the property and in order to do so some land use projections were identified. Mr. Bianchino reviewed

allowed uses in the zone, noting the area is at least 50 percent wetland. He said there is no specific project proposed for the area. Traffic impact was analyzed by the Capital District Transportation Committee, which also took in account DOT projects currently under design and review including the Rexford Bridge.

Supervisor Barrett noted the greenspace requirement is 50 percent. He said a big part of this is getting water to residents and to the Rexford Water District.

Councilman Speckhard said this is a first step of potential development of the zone and would require the creation of sewer and water districts. The sewer district is designed to service that particular parcel. The water district is designed to help pay for a water line that will extend to the Rexford Water District to loop them with the Clifton Park Water Authority as an emergency backup. This emergency backup is a commitment made to the Town of Glenville in terms of a master plan and contract. Councilman Paolucci said that loop gives the town the right to get the outside users incorporated into the District. Councilman Speckhard agreed.

Mr. Bianchino said the public comment period on the DGEIS was opened the end of February and extends through March 30, 2001.

Supervisor Barrett said the town is not looking to make any changes and the DGEIS is purely a planning tool, but due to current zoning, one thing that will not be out there is a big box store or strip mall.

The public hearing was opened for comments from the audience at 7:40 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

PUBLIC HEARING, 7:20 PM

TO CONSIDER A LOCAL LAW REZONING PARCEL 271.-5-13 FROM R-1 TO PIR

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 15, 2001.

Gordon Nicholson, Environmental Design, representing Omni Housing Development Corporation, explained this application was originally submitted under another name (clerk's note: Pine Village Common) and Omni Housing has become involved in an effort to upgrade the design, operations, maintenance and general operation of the facility. He introduced Mr. Duncan Barrett of Omni Housing Development. It was noted Duncan Barrett is no relation to Supervisor Barrett.

Mr. Barrett said his company owns and manages about one million square feet of Class A office space in downtown Albany and has developed over 900 units of senior citizen only housing in the capital district in twelve separate communities. Mr. Barrett said Clifton

Park is an attractive location, has excellent services and a significant senior citizen population. He said most of the sites Omni has examined have been prohibitively expensive in terms of land cost and, in some cases, lacked the necessary infrastructure. He spoke favorably about the proximity to commercial services and senior citizen center. Mr. Barrett said the proposed housing would be aimed at middle income seniors. He said of the 4660 seniors residing in Clifton Park approximately 1400 fit into the middle income category and the purpose of the proposed project is to address that need. He said the housing complex will consist of two housing types – 16 one story cottages of approximately 1000 square foot each, some with garages, and two 40 unit two story buildings connected by a one-story community room and management office. The total unit count is 96 down from the original of 116. The proposed project is for independent living and is not an assisted living facility. He noted rents would be structured for seniors whose incomes are between \$15,000 and \$55,000, income ranges that neither of the two existing facilities currently serves. Mr. Barrett reported a portion of the project would be financed with public funds and noted Omni Housing Development Company builds, owns and manages all the real estate they are involved in.

Mr. Nicholson reviewed the specifics of the 9.3 acre site and building plans of the proposed project, noting it is proposed the pine plantation along Clifton Park Center Road will be retained. He said Omni is requesting that the town extend the PIR zoning from Clifton Common and the Shenendehowa land as, other than a PUD, this is the only zoning that allows senior housing. It is proposed that sewer and water services be extended from the intersection of Beechwood Drive and Locust Lane. He said a secondary entrance primarily for emergency access is being proposed. Mr. Nicholson noted approximately 105 parking spaces are planned. He said also being proposed is the potential for a future access, if requested by the town, into the Common for emergency use.

Shelly Johnston, Creighton Manning Engineering, reviewed the traffic study done for the proposed parcel during the PM peak hours and found no adverse impact associated with this development.

Councilwoman Walowit expressed concern about road configurations within the proposed project and how they would affect emergency services.

Councilman Paolucci said from the traffic study it appears there is no difference at peak hour between 14 single family homes, as allowed by current zoning, and the proposed senior housing, but it is unknown what the difference would be in total; e.g. summer months. He asked if any other time was looked at other than peak hour.

Ms. Johnston responded no.

Councilman Roth said he shares the concerns of Councilwoman Walowit regarding emergency services. He asked if the traffic study was done while in a car or visually and specifically asked if the intersection of Beechwood Drive and Clifton Park Center Road was studied.

Ms. Johnston said Beechwood and other residential streets were not looked at, as those areas are part of a traffic impact study done by Clough Harbour and Associates with regard to road improvements on Clifton Park Center Road. She said the trip generation of the proposed project is so low that there would not be an impact at those intersections.

Councilman Roth asked how many employees would be associated with the senior housing.

Mr. Barrett responded there would be one person living on the site who would be responsible for emergency maintenance twenty-four hours a day, as well as two to three people on site to provide onsite office management, cleaning and maintenance.

With regard to the traffic study, Supervisor Barrett asked if new housing on Vischer Ferry Road was taken into account. Ms. Johnston responded the 2½ percent per year background growth rate accounts for that additional traffic. She noted, separate from this proposed project, the intersection at Clifton Park Center and Vischer Ferry Roads has been sited for a traffic signal as part of the long range transportation management for that area to help mitigate potential delays that might be experienced during those peak hours.

Mr. Nicholson reviewed allowed uses in the PIR zone. He said Omni is asking the Town Board to extend the PIR zone from the east and north into the site and to consider this specific senior housing use with a sunset provision on the senior citizen housing so that within a two to three year period if this project hasn't been initiated or concluded, the zoning would revert back to residential category. He reviewed the Planning Board process.

In response to the Supervisor's question, Mr. Barrett said Omni Development would be looking for a PILOT agreement but not one that would result in any loss to the town as a result of the rezoning.

Mr. Nicholson said eight single-family homes could be built now, however, the extension of sewer and water and a short cul de sac would be required for 14 homes. He said the proposed project shows approximately 56 % greenspace.

Supervisor Barrett said there is a need for affordable senior housing in town.

Councilman Roth asked Mr. Barrett to provide the Board with information on other projects Omni has done in the area. Mr. Barrett said the Board is invited to tour their facilities.

Councilman Paolucci asked what the distance is from the field and batting cage to the proposed building. Mr. Nicholson said the building is approximately 125-130 feet from the batting cage and 85 from the field and it is planned to save the deciduous trees along the property line.

Councilman Paolucci asked how spot zoning is determined and if the town has any exposure in this instance. Town Attorney Trainor reviewed spot zoning explaining spot zoning occurs where a parcel is carved out of a surrounding area and has a different impact than the surrounding area. In considering whether something falls into spot zoning definition, issues have to be balanced and weighed, e.g. advantage to the owner of the parcel being carved out, disadvantage, if any, to surrounding properties and if it is counter to the overall concept for the town and master plan. Mr. Trainor continued if this particular parcel is out of character with everything else then perhaps it could be viewed as spot zoning.

Mr. Barrett stated spot zoning is usually a free standing parcel zoned differently than surrounding areas and this request is for an extension of the adjacent zoning.

The public hearing was opened for comments from the audience at 8:30 p.m.

Dave Croteau, Beechwood Drive, is concerned with the proximity of the duplex driveway and Beechwood Drive to the proposed entrance and the traffic problems that could result. He is further concerned with water pressure due to the sewer and water line coming from the corner of Beechwood Drive and Locust Lane. Mr. Croteau said there other sites that would be better suited for this type of project.

Bill Mather, Juniper Drive, said traffic would be a nightmare. He said there is a blindspot when taking a left out of Beechwood Drive. He stated peak traffic times are Saturdays and Sundays.

Eileen LaCourse, Rosewood Drive, agreed with previous speakers. She reviewed hours throughout the day that she considers peak. She expressed concern that the project will not be fully taxed and asked that a better site be found.

Mr. Nicholson said Omni would be happy to come back with responses to all concerns and questions.

Roland Felano, Clifton Park Center Road, owner of two pieces of property on Clifton Park Center Road, has considered this area a country atmosphere which is zoned for eight to fourteen single family houses and now is being consider for 96 units, 105 parking spaces with asphalt. He said his only water is through a point and is concerned that gas and oil will seep into the water table. Mr. Felano said he would like to see a full-blown traffic study, noting it depends on what time of year it is done. He recommended having all access to the project through the Common. He asked what setbacks are required. He asked if the project goes through would the developer be willing to support him with water, as he is concerned that he would be drinking contaminated water.

Mr. Nicholson said he is proposing an 80-foot set back, side yard set back of 20 feet, rear yard set back of 25 feet. He said he believes Clough, Harbour and Associates' comments relating to SEQRA review suggesting doubling some of the setback distances can be accommodated

Richard Liebich, Clifton Park Center Road, said all of the northern part of Clifton Park Center Road abuts PIR zone which means if it is opened up for this project anyone else on the road could come in and ask for the same thing. He stated it is very heavily traveled and will be made worse with the senior housing project. Mr. Liebich further stated this will not have a positive impact to the rest of the houses on the road and there will be a reduction in valuation. He said the road should stay as it is and has no problem with putting eight to fourteen houses in the parcel. He stated the time is not now to start spot zoning the road and there are places in Clifton Park that could accommodate senior housing and this is not one of them.

Bob Boivin, Clifton Park Center Road, noting he borders the proposed project, said he agrees with comments this evening regarding traffic and the difficulty of getting out of surrounding intersections. He said with the noise from the Common and foot traffic through yards he doesn't think seniors would want to live in that area. He said he is strongly against the zoning change.

Mary DePalermo, home is located on corner of Beechwood Drive and Locust Lane, reported difficulty with making a left hand turn onto Clifton Park Center Road and expressed concern with traffic and speed zone, stating 45 miles per hour cannot be maintained with additional development on the road. Ms. DePalermo said there is a blindspot on the left when coming out of Beechwood Drive onto Clifton Park Center Road. She is concerned about the inconvenience to her with regard to water hookups for the project and said water levels will be affected. With regard to traffic, Ms. DePalermo asked what the impact would be from the addition to the ice rink. She does not believe this is a suitable location for senior housing.

Supervisor Barrett asked Mr. Shahan to look into the reported blindspot to make sure vegetation is cleared.

Margaret Schultz, Crescent Road, spoke in favor of the project noting that most seniors use the senior vans that run between 9:00 a.m. and 4:00 p.m. She said this project is in a desirable location for seniors, would be an asset to the community, and could act as a buffer zone between the schools, playground and private homes. Ms. Schultz stated every community should serve all generations.

Gladys Pacella, Hollandale Apts., said the traffic problem all ready exists and most seniors don't drive. She spoke in favor the proposed location for the project.

Janet Grey, Locust Lane, said she is not sure where she stands but has concerns. She said traffic generated by visitors to the senior housing residents needs to be taken into consideration. Ms. Grey said she is also concerned about the water hookups proposed for Beechwood Drive and Locust Lane and traffic. She said the town needs to look at the frequency of use of the Common. Ms. Grey is concerned about using the proposed diagram and emergency traffic. She agreed senior housing is needed but it needs to be in the appropriate place.

Jean Teal, Beechwood Drive, property borders Beechwood Drive and Clifton Park Center Road, said the main entrance to the project is kitty-corner from her property. She agrees with concerns expressed and thinks traffic generated by the project would be much greater than currently projected. Ms. Teal said lights on her CPA sign were denied with the reason that there would be a negative impact on the residential area. Ms. Teal said there will be commercial lighting and dumpsters with the proposed project and feels this would have a negative impact. Ms. Teal presented a petition opposed to the rezoning of the property and senior housing on that land.

Carolyn Crawmer, Wheeler Drive, stated there is a need for senior housing now, supports median income senior housing and asked the Board not to drag their feet.

JoAnn Levy, Birchwood Drive, said she doesn't think added traffic, lights and noise will be a pleasant atmosphere for the senior citizens.

Margaret Catellier, Royal Oak Drive, said senior housing is needed and she has seen Omni Development projects and they are built and managed terrifically. She expressed concern about traffic on Clifton Park Center Road, noting the eastern end is part of the Route 9 GEIS. She doesn't feel any changes should be made to zoning until the Comprehensive Plan review is completed. Ms. Catellier said senior housing should be near shopping, sidewalks, and transportation. She asked that the Town Board not consider any zoning change at this time.

Norman Goldman, London Square, said the original proposal was to rezone the property so that the project in question could be built and questioned why the proposed legislation doesn't recognize that linkage. He said he supports the basic senior housing proposal which has led to the consideration of the proposed zoning change and also supports the zoning change from residential to PIR, but if the zoning change is to be effected with the language of the proposed local law, he urged the Town Board not to pass the law.

Jan Lemon, Esopus Drive, asked if roads in the property would be town owned. Mr. Nicholson responded the roads would be developed, owned and maintained by the developer. Ms. Lemon asked who is paying for the extension of water and sewer. Supervisor Barrett responded the developer. Ms. Lemon said this type of housing is needed in town. She said this particular parcel of land has been looked at since the development of the Common because it is contiguous. She noted there is PIR zoned land behind Hannaford that would be an excellent location for this project. Ms. Lemon said she would like the Town to buy the property from Mr. Hahn and protect it forever from development.

Councilman Roth asked Mr. Barrett if Omni has looked at any other properties in town. Mr. Barrett said they have looked at several other sites but they have been either without public water and sewer or have been very expensive. He said Omni was attracted to the proposed site because of the proximity to the senior center.

Mr. Barrett resubmitted the petition in support of the senior housing on Clifton Park Center Road.

Sheila Suozzo, Valencia Lane, agreed with the traffic problems stated previously and is concerned as her children ride their bikes to school, playground and Common and to make the situation worse is dangerous.

Walter Perry, Blue Spruce Lane, said this proposal is just what he wanted. He said an amicable agreement should be reached to use this land. He doesn't feel seniors cause much traffic.

Norman Goldman reiterated his previous statement. He said when senior housing was proposed for the Clifton Common it is his recollection that many seniors wanted to be close to the senior center and associated with the Common action but another site was chosen as it was felt the Common was overcrowded. He said the neighborhood currently consists of housing developments, clubhouse building, duplexes, recreational facilities, school campus, Clifton Common, Highway Department facilities and Town Hall. Mr. Goldman said this is diverse use and feels the senior housing will be compatible with the character of the neighborhood. He hopes the town will rely on traffic studies done by professionals. He said the proposed site would be close to and provide easy access to the senior center and other activities on the Common and the project would not add to the already crowded Common. Mr. Goldman said he thinks the proposed project is a good example of what was contemplated in establishing the PIR zone. He hopes the zoning change will be approved and soon the senior housing will become a reality but with same caveat as previously mentioned. Mr. Kemper said he sees no problem with the proposed legislation. Mr. Goldman said as written the zoning change is permanent and wonders if some term limit could be added if the project doesn't proceed. Mr. Nicholson said he doesn't see a problem with the way it is written, however, a sunset provision could be included that the zoning would revert back if the project doesn't proceed. Town Attorney Trainor said "subject to reversion if the project is not built out" could be made a provision of approval. Mr. Kemper said a timeframe can't be set for this specific project and this specific applicant, but can be done for the zoning in general.

Councilman Paolucci said the question is is the benefit derived from this project in this location enough and does it merit a zoning change.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 10:03 p.m.

Supervisor Barrett said any additional comments could be sent to his attention.

MOTION by Supervisor Barrett, seconded by Councilwoman Walowit, to recess for five minutes.

Motion unanimously carried.

Meeting convened at 10:10 p.m.

Due to the hour, Town Administrator Shahen's February report was not given.

PUBLIC PRIVILEGE ON RESOLUTIONS

Jan Lemon, Esopus Drive, said she is angry that a town facility is being taken without taxpayers having had an opportunity to see and make comments on the agreements.

Supervisor Barrett said a press conference was held, as well as a public forum, at which times the deal was explained.

Ms. Lemon questioned various aspects of the draft agreements, stating over 30 years the town would receive \$950,000 and Mr. Bobrow a million and a half.

Supervisor Barrett said the town couldn't hire a staff for \$48,000 to run the arena. He said this will increase recreational opportunities, result in a nicer facility, and groups will be paying less next year than what they are paying this year. The Supervisor said the town's goal is to break even operationally. The existing facility will not expand ice to twelve months.

Ms. Lemon expressed concern that at some time current contracts could be moved from the existing facility to the proposed facility leaving the town's arena with no revenue. Supervisor Barrett said the proposed arena has a small bleacher area. He said there are plans in place that the town arena will stay as is with Shen Hockey and Youth Hockey. The Supervisor said he feels more comfortable with Mr. Bobrow running the ice arena than anyone that has run it to date or the town running it in the future. He said the arena could cost taxpayers at least \$5 million by 2015 if it keeps going the way it's going. Ms. Lemon reiterated her concerns with the agreements. Supervisor Barrett said these agreements put in place continuous fulltime professional management with a guarantee of revenue and a guarantee that residents will be served. Ms. Lemon stated the taxpayers should have an opportunity to read the contracts.

Norm Goldman said the arena situation and the proposed zoning change for the senior housing seem somewhat analogous, and he feels one is sailing through and the other is going to founder. With regard to the arena agreements, he expected something to be available for people to review. Mr. Goldman said he came away confused after the Public Forum with regard to profits, revenues, and expenses. Supervisor Barrett explained the profit the town will realize after management agreement is paid will allow the facility to break even since town is outlaying money for a management agreement. The town's goal is to break even and by doing that the town will have a profit that will outweigh the management agreement. Mr. Goldman said the Public Forum was an opportunity to sell the project, no notice was given of the Forum and no opportunity for the public to read anything. He feels the Public Forum should have been announced at previous Town Board meetings.

Resolution No. 68 of 2001, a resolution authorizing the purchase of one (1) Heavy Duty International truck with options from New York State Contract.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, Louis W. Gerard, Highway Superintendent, has identified the need for one (1) Heavy Duty International truck for use by the Highway Department, and

WHEREAS, the Highway Superintendent has requested that this vehicle be purchased from the New York State Contract #PC57253 for Year 2001; now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to purchase one (1) Heavy Duty International truck with options from New York State Contract #PC57253 at a total cost of \$92,940 to be budgeted from Highway Account DA05130-00220 (Highway-Dump Truck/Lg.), \$72,000 and DA05130-00221 (Highway-Tractor/Mower), \$20, 940.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 69 of 2001, a resolution setting a public hearing for April 9, 2001 to consider a local law amending Local Law No. 7 of 2000, a Local Law amending Local Law No. 27 of 1989, Signs as amended by Local Law No. 8 of 1992, to consider adoption of a Local Law imposing a six month moratorium on review, approval and issuance of permits for billboards/off-premises signs/advertising signs in the Town of Clifton Park.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Town of Clifton Park has been made a party to litigation seeking to declare the Town's sign law unconstitutional as it relates to exclusion of billboards/off premises signs/advertising signs within the Town of Clifton Park, and

WHEREAS, the Town Board wishes to extend a six month moratorium on the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park pending review of relevant case law as it applies to the Town's sign law; now, therefore, be it

RESOLVED, that a public hearing to consider extending a six month moratorium on the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park for an additional six months is hereby set for April 9, 2001 at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 70 of 2001, a resolution hiring Robert Duff on an as needed basis to operate the Clifton Park Arena.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the need exists to employ someone to operate the Clifton Park Arena on an as needed basis from April 1, 2001 to August 31, 2001, and

WHEREAS, Robert Duff, 119 Polar Plaza, Amsterdam, has been recommended for the position and the Town Board has considered the same; now, therefore, be it

RESOLVED, that Robert Duff, 119 Polar Plaza, Amsterdam, is hereby appointed to operate the Clifton Park Arena on an as needed basis commencing April 1, 2001 through August 31, 2001 at a rate of \$15.01 per hour, to be budgeted from A1623-24 (Arena-Maintenance/Repairs).

Supervisor Barrett said Mr. Duff is the current manager of the arena.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 71 of 2001, a resolution authorizing the Supervisor to enter into a ground lease and management agreement for the ice arena.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the Town Board wishes to enter into a ground lease with Bobrow LLC to construct a second facility housing an ice rink on Town of Clifton Park property, and

WHEREAS, the Town Board also wishes to enter into an agreement with Arena Management Group, LLC for the management of the existing ice arena owned by the Town of Clifton Park, and

WHEREAS, entering into these agreements will confer a benefit upon the people of the Town of Clifton Park, and

WHEREAS, it is the intent of the Town Board to use the \$450,000 lease payment by Mr. Bobrow to the Town of Clifton Park for debt reduction on the existing ice arena; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a ground lease with Bobrow LLC for construction of an ice rink facility on Town of Clifton Park property subject to the review by the Town's Bond Counsel, and, be it further

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with Arena Management Group, LLC for the management of the existing ice arena owned by the Town of Clifton Park subject to the review of the Town's Bond Counsel.

Councilman Roth asked that the wording "...along with a comparison of the budgeted figures..." be added to the second paragraph under Article 12 of the Management Agreement.

Councilman Speckhard said some of the frustration felt this evening is because the agreements didn't come into being until recently and coupled with the need to begin the program in September has placed an unusual and unfortunate constraint on the Board as far as its moving ahead. He said he was assured last week that the project would proceed as a normal Planning Board process, however, there is no specific prediction as to how long that process may take and how it will end up. Referring to Article 2, Section 2.01 of the Lease Agreement, he said the agreement commences on April 15, 2001 and asked to what extent the town would want to sign it when it is not likely that the Planning Board process would be completed by that date and it also is presuming that the outcome is going to be favorable. It was agreed that "or upon Planning Board approval, whichever is later" be added to Article 2. Councilman Speckhard said he didn't want anything in the agreement to be interpreted by the Planning Board as putting time pressures on them. He said the advantage of the Planning Board process offers the opportunity for public discussion yet moving ahead tonight is justifiable because of timing.

Councilman Speckhard said it is important that the Management Agreement include wording to ensure the arena will be safeguarded to the greatest extent and require that it

be used for ice hockey. He said it is important to point out that in several places it says that once the agreement is signed there are no changes except those that are agreed upon by the person who is being changed so he would like the language in the agreement before signing. Supervisor Barrett asked Councilman Speckhard to write the necessary language with regard to safeguarding the existing arena. Councilman Roth recommended any changes be reviewed by Mr. Trainor and bond counsel. Councilman Speckhard said he wants to avoid a situation where the two rinks become competitive.

Councilman Speckhard expressed appreciation to Supervisor Barrett for his time and efforts on this project.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 72 of 2001, a resolution awarding the bid for the Burning Bush Pool Repairs.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, on March 15, 2001 bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for this contract is Bast Hatfield, Inc., in the amount of \$69,974.00, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Director of the Town Department of Parks, Recreation and Community Affairs that the bid of Bast Hatfield, Inc. be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Bast Hatfield, Inc. in the amount of \$69,974.00 to be budgeted from the Longkill I Park District as follows: SP5-7123-200 (Longkill I - Capital Improvements) and SP5-7151-200 (Country Knolls Pool - Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilwoman Walowit, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 11:25 p.m.

Patricia O'Donnell
Town Clerk